

product, and yet we have 47 million uninsured Americans and the highest infant mortality and lowest life expectancy of any other industrialized nation, we must do whatever we can to encourage adoption of electronic prescribing and electronic medical records, not keep in place policies that deter adoption.

I understand and appreciate that the DEA has a very important law enforcement function and needs to have the tools to enforce the laws and prosecute law breakers. However, electronic prescribing is not a barrier to that. The systems that have been used for years to transmit prescriptions electronically are secure and auditable. In fact, electronic prescribing will not only help enforcement but will create new opportunities to prevent abuse of controlled substances. Existing e-prescribing processes are actually more secure than written prescriptions. Banking transactions have been conducted for years electronically, and authorities have been able to prosecute people who misuse the technology. I am confident we can do the same with respect to any misuse regarding controlled substances.

I know that the DEA has acknowledged that e-prescribing offers many benefits and has considered ways to allow the electronic transmission of controlled substance prescriptions. And I know that DEA and Health and Human Services held a public meeting last year to begin to address this issue. That was a great first step, but progress has been very slow and now we need to solve this problem in a way that realizes the benefits of health IT, is secure, scalable within the industry, and that protects the DEA's interests.

One relatively easy fix may be to simply amend the Controlled Substances Act to permit electronic prescribing. There may be other ways to address the problem, and I am open to discussing those. What is critical is that we find a way to allow e-prescribing for all medications soon—every day we delay, the cost in dollars and lives grows. We need incentives to encourage adoption of e-prescribing, not roadblocks to adoption. Increased use of electronic prescribing will increase patient compliance, improve health outcomes, reduce medication errors, and reduce health care costs.

It is my sense that DEA should not invest additional resources in pursuing plans to allow e-prescribing of controlled substances through measures that are unnecessarily high in cost and complexity.

I join my colleagues in urging DEA to quickly adopt rules allowing electronic prescribing of controlled substances that rely on the high level of security built into the existing e-prescribing infrastructure and are deemed workable by all stakeholders.

Absent a timely adoption of such DEA rules, I look forward to working with my colleagues to find a solution to the prohibition on electronic prescribing of certain medicines this year.

Mr. President, I see the chairman of the Committee on Health, Education, Labor, and Pensions is here, and I would appreciate his comments on this issue.

Mr. KENNEDY. Mr. President, I thank the Senator from Rhode Island for drawing our attention to this barrier in the advancement of electronic prescribing. The use of electronic prescribing technologies offers an opportunity to improve health care outcomes by reducing medication errors and improving patient compliance with physician orders and screening for dangerous drug-drug interactions. Physicians and pharmacies in Massachusetts have begun to adopt e-prescribing and patients are benefiting. Massachusetts was recently recognized as the State with the highest volume of electronic prescriptions per capita. Electronic prescribing systems offer security advantages beyond those available through a paper-based system by requiring user authentication and generating an audit trail of prescriptions submitted to pharmacies. Creating a method by which controlled substances can be safely and securely prescribed electronically will encourage physicians' adoption of the technology. I support the Senator from Rhode Island's proposal for a joint report by the U.S. Drug Enforcement Administration and the Department of Health and Human Services to evaluate how electronic prescribing of controlled substances can be safely achieved. I also urge the Drug Enforcement Agency to adopt rules allowing controlled substances to be electronically prescribed and in the absence of such rules look forward to working with my colleagues to address the issue legislatively.

Ms. MIKULSKI. Mr. President, I agree with the Senator from Massachusetts. I am committed to working with the Senator from Rhode Island, the Senator from Michigan, and the chairman of the HELP Committee to solve this problem.

Mr. WHITEHOUSE. Mr. President, I thank the chairman and all my colleagues for their help on this issue.

Mr. BYRD. Mr. President, today I voted to table an amendment offered by Senator COBURN to H.R. 3093, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2008, which would have shifted funding to the Civil Rights Division within the U.S. Department of Justice for the investigation and prosecution of unsolved civil rights cases.

I share Senator COBURN's fervent and sincere desire to solve these ghastly crimes. However, I do not believe that his amendment would achieve this important task. Instead, the Senate should consider and pass S. 535, the Emmett Till Unsolved Civil Rights Crime Act. I am a cosponsor of this bill, which would commit the resources of the U.S. Government to investigating and prosecuting racially motivated murders that occurred on or before December 31, 1969. The bill des-

ignates an official within the U.S. Department of Justice, and another within the Federal Bureau of Investigation, to investigate, prosecute, and coordinate the investigations of civil rights violations that occurred prior to 1970 and resulted in a death.

There is an urgent need for the Congress to enact this measure. Given the advanced age of defendants and potential witnesses, there remains only a small window of opportunity in which to solve these cases. Ultimately, the purpose of this bill is to provide justice to the families of those who were murdered for racially motivated reasons prior to 1970. The bill expresses the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the U.S. Department of Justice, should expeditiously investigate unsolved civil rights murders, and provide the resources necessary to ensure timely and thorough investigations in the cases involved.

The families of the victims of these heinous crimes deserve no less. It is my hope that this bill, which has been approved by the Senate Judiciary Committee, will soon be voted upon and passed by the Senate.

The PRESIDING OFFICER. The Senator from Washington.

#### EXECUTIVE SESSION

#### NOMINATION OF JENNIFER WALKER ELROD TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mrs. MURRAY. Mr. President, I ask that the Senate proceed to executive session to consider Executive Calendar No. 302, as under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Jennifer Walker Elrod, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Mrs. MURRAY. Mr. President, I ask unanimous consent for 5 minutes under the time of Senator LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF RICHARD A. JONES

Mrs. MURRAY. Mr. President, I am honored to come to the floor today to speak on behalf of Richard Jones. He is a distinguished lawyer and a King County Superior Court judge from my home State. He is a man who enjoys broad bipartisan support, and he deserves a seat on the Federal bench.

President Bush nominated Judge Jones to be a district court judge for the Western District of Washington State. He is an excellent choice. I am very proud to be here this afternoon to support him, and I urge my colleagues to support him as well.

If you were to ask lawyers or judges in my home State about Judge Jones,

some of the descriptions you would hear are, "He is admired by everyone in the justice system." "He gives respect, and he gets respect." "The test of one's performance is the way they handle the smaller cases. Richard displays precisely that same degree of sensitivity to all who appear before him."

The Seattle Times described this nomination by saying:

This is a lifetime appointment with no room for mistakes, and we believe there is no mistake here.

I couldn't agree more. Judge Jones has handled some of the most difficult cases in western Washington in the past decade and he has won the respect of everyone who has come before him. He presided over the sentencing of Gary Ridgway, who was known as the "Green River Killer." Ridgway pleaded guilty to 48 counts of aggravated first-degree murder in 2003 and is one of the most prolific serial killers in American history. That would be a tough case for any judge, but Judge Jones earned praise for the sensitivity and dignity he showed for the victims of the Green River killer.

As a result of that case—and in recognition of his long service to Washington State—in 2004, Judge Jones received the "Judge of the Year Award" from the Asian Bar Association of Washington, from the King County Bar Association, from the Washington State Bar Association, and from the Washington State Trial Lawyers Association.

Judge Jones has also been praised by his peers for handling cases far out of the media spotlight with the same care and attention. Both Senator CANTWELL and I assisted the President in choosing Judge Jones from a list of very qualified candidates. When I met him, I was so impressed with his sensitivity, his professionalism, and his overall sense of fairness. Throughout his career, Judge Jones has won high praise for his judicial demeanor and for the respect he shows all parties.

In the courtroom, Judge Jones is known for making articulate and powerful statements that make clear where he stands. He clearly meets the standards of fairness, evenhandedness, and adherence to the law we all expect from our Federal judges.

In his personal background, he graduated from Seattle University and the University of Washington School of Law. In private practice, Richard Jones successfully represented both plaintiffs and defendants in a variety of civil cases. As a State and a Federal prosecutor, he had extensive experience prosecuting criminal cases. Most recently, as a full-time King County Superior Court judge, Richard Jones has distinguished himself and won broad support.

In addition to all of those professional responsibilities, Judge Jones also has been deeply involved in community activities. He served as a YMCA board member and mentored

minority youths. He has worked in the community to expand opportunities for students to pursue legal careers by supporting youth-oriented legal programs. Judge Jones has shown a commitment to the people of his community, and that is one of the reasons why they have shown a commitment to him. Since he was first appointed in 1994, the voters of King County have re-elected him three times. I know I speak on behalf of a large number of people in my State's legal and law enforcement community in saying that our Federal bench will be stronger with Richard Jones.

It is my pleasure to be here on the floor this afternoon to support his nomination. He has garnered bipartisan support in my State, and I am confident that his record of fair and unbiased service will earn him a bipartisan vote on the floor of the Senate today. I urge all of my colleagues to support this nomination.

I yield the floor.

Mr. LEAHY. Mr. President, we have nominations before us for lifetime appointments to the Federal bench of Jennifer Walker Elrod of the Fifth Circuit, Roslynn Renee Mauskopf for the Eastern District of New York, Richard Jones for the Western District of Washington, and Sharion Aycock for the Northern District of Mississippi.

The yeas and nays have not been ordered on any of these, have they?

The PRESIDING OFFICER. Only the nomination of Ms. Elrod has been reported.

Mr. LEAHY. But no request has been made for the yeas and nays; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, for the interest of my colleagues, I do not anticipate—I do not intend to ask for the yeas and nays on any of these. I have discussed this with the distinguished senior Senator from Pennsylvania, Senator SPECTER, and I believe I am authorized to speak for him that he is not going to be requesting the yeas and nays.

Mr. CARDIN. Would my distinguished chairman yield for a moment?

Mr. LEAHY. Yes.

Mr. CARDIN. As you know, I am going to be opposing the nomination of Jennifer Walker Elrod, but I will not be seeking a record vote.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Maryland. I know he is going to be speaking on that nomination and stating his reasons for opposition, but I wanted it known by both leaders that I will not be requesting a rollcall vote on any of these. I see the distinguished senior Senator from Mississippi is on the floor and I have advised him of that also.

The Senate continues, as we have all year, to make progress filling judicial vacancies when the White House will work with us. The nominations before us today for lifetime appointments to the Federal bench are Jennifer Walker

Elrod for the Fifth Circuit, Roslynn Renee Mauskopf for the Eastern District of New York, Richard Jones for the Western District of Washington, and Sharion Aycock for the Northern District of Mississippi. They each have the support of both home State Senators. I thank Senators MURRAY, CANTWELL, COCHRAN, LOTT, HUTCHINSON, CORNYN, SCHUMER and CLINTON for their work in connection with these nominations.

The progress we have made this year in considering and confirming judicial nominations is sometimes lost amid the partisan sniping over the most controversial nominations.

If the nominations we consider today are confirmed, the Senate will have already confirmed 33 nominations for lifetime appointments to the Federal bench this session alone. That is more judicial nominations than were confirmed in all of 2005 or 2006 with a Republican majority. It is 16 more confirmations than were achieved during the entire 1996 session, nearly doubling that session's total of 17, when Republicans stalled consideration of President Clinton's nominations.

Judge Elrod would be the Fourth Circuit court nominee confirmed so far this year. That is more than the number of President Clinton's circuit court nominations confirmed by this time in 1999 with a Republican-led Senate and four more than the Republican-led Senate confirmed in the entire 1996 session. That was the session in which not a single circuit court nominee was confirmed. That is more than were confirmed in all of 1993 and equals the total in 1983.

If the nominations are confirmed today, the Senate will have confirmed 21 circuit court nominations and 133 total Federal judicial nominees in my tenure as Judiciary chairman. During the Bush Presidency, more circuit judges, more district judges—more total judges—have been confirmed in the first 24 months that I served as Judiciary chairman than during the 2-year tenures of either of the two Republican chairmen working with Republican Senate majorities.

Today, we consider a nominee to the Fifth Circuit. During the Clinton administration several outstanding nominees to the Fifth Circuit were pocket filibustered. They included Judge Jorge Rangel of Texas, Enrique Moreno of Texas and Alston Johnson of Louisiana. They were pocket filibustered without a hearing or committee consideration. In contrast, the Judiciary Committee has proceeded with this nomination.

The Administrative Office of the U.S. Courts will list 44 judicial vacancies after today's confirmations. The President has sent us only 20 nominations for these remaining vacancies. Twenty-four of these vacancies—more than half—have no nominee. Of the 16 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for half of them. Of the 15 circuit court

vacancies, 6—more than a third—are without a nominee. If the President would decide to work with the Senators from Michigan, Rhode Island, Maryland, California, New Jersey, and Virginia, we could be in position to make even more progress.

We have helped cut the circuit vacancies from a high mark of 32 in the early days of this administration, to as few as 13. Contrast that with the Republican-led Senate's lack of action on President Clinton's moderate and qualified nominees that resulted in increasing circuit vacancies during the Clinton years from 17 to 26. During those years, the Republican-led Senate engaged in strenuous and successful efforts under the radar to keep circuit judgeships vacant in anticipation of a Republican President.

More than 60 percent of current circuit court judges were appointed by Republican Presidents, with the current President having appointed more than 30 percent of the active circuit judges already.

Two of the vacancies being filled today are categorized by the Administrative Office of the United States Courts as judicial emergency vacancies. With these confirmations we will have proceeded to fill 18 such vacancies this year.

Jennifer Walker Elrod is a judge on the 190th District Court for Harris County, TX, a position she has held since 2002. A native of Port Arthur, TX, and a graduate of Baylor University and Harvard Law School, Judge Elrod clerked for Judge Sim Lake on the U.S. District Court for the Southern District of Texas and spent 8 years in private practice at Baker Botts before joining the bench.

Roslynn Renee Mauskopf has served as U.S. attorney for the Eastern District of New York since her 2002 appointment by President Bush. Ms. Mauskopf received her B.A. from Brandeis and her law degree from Georgetown before spending 13 years as assistant district attorney in the New York County District Attorney's Office and serving a stint as New York State's inspector general.

Richard Anthony Jones has been a judge on the King County Superior Court since 1994. Previously, Judge Jones, a graduate of Seattle University and the University of Washington School of Law, served as an assistant U.S. attorney in the Western District of Washington, staff attorney for the Port of Seattle, and deputy prosecuting attorney for King County, also spending 6 years in private practice at Bogle and Gates.

Sharion Aycock has been a state trial judge on the First Circuit Court District in Tupelo, MS, since 2003. A native of Tupelo, MS, Judge Aycock, who received her B.A. from Mississippi State University and her J.D. from Mississippi College School of Law, served for 8 years as Itawamba County prosecuting attorney, and spent time in private practice in Mississippi as a solo practitioner and at law firms.

I congratulate the nominees and their families on their confirmations today.

The Judiciary Committee has reported dozens of measures to the Senate that await action, from privacy legislation to war profiteering legislation to court legislation, all on a bipartisan basis. Yet we are stalled on several important matters.

I have spoken before of the Republican objection to our going to conference to finish work on the Court Security Improvement Act, S. 378, which the committee reported to the Senate back in March. We had to overcome a filibuster just to consider it. It ultimately passed the Senate 97 to zero. We are being prevented from going to conference to resolve differences with the House by Republican objection.

I have spoken before about the War Profiteering Prevention Act, S. 119, what has been stalled for months by unspecified Republican objections.

I have spoken before about the Emmett Till Unsolved Civil Rights Crimes Act, S. 535. It was reported unanimously by the Judiciary Committee, yet a Republican Senator objected to Senate passage this week.

Similarly there is a modest bill to extend temporary judgeships in five districts, S. 1327. That simple bill is likewise being prevented from passage by a Republican objection.

Today, I want to focus on another important measure, the School Safety and Law Enforcement Improvement Act.

Two months ago, the Senate Judiciary Committee originated the School Safety and Law Enforcement Improvement Act of 2007, a legislative package that responds to the tragic deaths that occurred this past April on the campus of Virginia Tech. We tried to show deference to Governor Kaine and the task forces at work in Virginia and to complement their work and recommendations. Working with several Senators, including Senators BOXER, REED, SPECTER, FEINGOLD, SCHUMER, and DURBIN, the Committee originated this bill and reported it before the commencement of the academic year in the hope that the full Senate could pass these critical school safety improvements this fall.

Over the past 2 weeks, Senator SCHUMER and I have tried separately to pass the component of the bill designed to fix flaws in the Nation's background check system. Regrettably, our efforts were blocked by a single Senator.

I do not think the Senate should continue to stand by and wait for the next horrific school tragedy to make the critical changes necessary to insure safety in our schools and on our college campuses. Risks of school violence will not go away just because Congress may shift its focus. In just the last few weeks we have seen tragedy at Delaware State and Memphis, as well as incidents in California and New York. I urge the Senate to move aggressively with the comprehensive school safety legislation.

It includes background check improvements together with other sensible yet effective safety improvement measures supported by law enforcement across the country. Accordingly, I urge the Senate to take up and swiftly pass S. 2084. If we are prohibited by objection from doing so by unanimous consent, then let us move to it and let those with objections seek to amend those provisions to which they object.

There are too many incidents at too many colleges and schools nationwide. This terrorizes students and their parents. We should be doing what we can to help. Just this past week, a troubled student wearing a Fred Flintstone mask and carrying a rifle through campus was arrested at St. John's University in Queens, NY, prompting authorities to lock down the campus for 3 hours.

The next day, an armed 17-year-old on the other side of the country in Oroville, CA, held students hostage at Las Plumas High School, which also resulted in a lock-down. The students in these situations escaped with their lives.

University of Memphis student Taylor Bradford was not so lucky. He was killed on campus this past Sunday morning in what university officials believe was a targeted attack. He was 21 years old. Shalita Middleton and Nathaniel Pew were not so lucky. They were both wounded during an incident at Delaware State and are still hospitalized from the gun shot wounds with Ms. Middleton still in serious condition. They are each only 17 years old.

The School Safety and Law Enforcement Improvement Act responds directly to incidents like these by squarely addressing the problem of violence in our schools in several ways. The bill enlists the States as partners in the dissemination of critical information by making significant improvements to the National Instant Background Check System, known as the NICS system. The bill also authorizes Federal assistance for programs to improve the safety and security of our schools and institutions of higher education, provides equitable benefits to law enforcement serving those institutions, and funds pilot programs to develop cutting-edge prevention and intervention programs for our schools. The bill also clarifies and strengthens 2 existing statutes—the Terrorist Hoax Improvements Act and the Law Enforcement Officers Safety Act—which are designed to improve public safety.

Specifically, title I would improve the safety and security of students both at the elementary and secondary school level, and on college and university campuses. The K-12 improvements are drawn from a bill that Senator BOXER introduced in April, and I want to thank Senator BOXER for her hard work on this issue. The improvements include increased funding for much-needed infrastructure changes to improve security as well as the establishment of hotlines and tip-lines, which

will enable students to report potentially dangerous situations to school administrators before they occur.

To address the new realities of campus safety, title I also creates a matching grant program for campus safety and security to be administered out of the COPS Office of the Department of Justice.

The grant program would allow institutions of higher education to apply, for the first time, directly for Federal funds to make school safety and security improvements. The program is authorized to be appropriated at \$50,000,000 for the next 2 fiscal years. While this amounts to just \$3 per student each year, it will enable schools to more effectively respond to dangerous situations on campus.

Title II of the bill seeks to improve the NICS system. The senseless loss of life at Virginia Tech revealed deep flaws in the transfer of information relevant to gun purchases between the States and the Federal Government. The defects in the current system permitted the perpetrator of this terrible crime to obtain a firearm even though a judge had declared him to be a danger to himself and thus ineligible under Federal law.

Seung-Hui Cho was not eligible to buy a weapon given his mental health history, but he was still able to pass a background check because data was missing from the system. We are working to close gaps in the NICS system. Title II will correct these problems, and for the first time will create a legal regime in which disqualifying mental health records, both at the State and Federal level, would regularly be reported into the NICS system.

Title III would make sworn law enforcement officers who work for private institutions of higher education and rail carriers eligible for death and disability benefits, and for funds administered under the Byrne grant program and the bulletproof vest partnership grant program.

Providing this equitable treatment is in the best interest of our Nation's educators and students and will serve to place the support of the Federal Government behind the dedicated law enforcement officers who serve and protect private colleges and universities nationwide. I commend Senator JACK REED for his leadership in this area.

Title IV of the bill makes improvements to the Law Enforcement Officers Safety Act of 2003. These amendments to existing law will streamline the system by which qualified retired and active officers can be certified under LEOSA. It serves us all when we permit qualified officers, with a demonstrated commitment to law enforcement and no adverse employment history, to protect themselves and their families wherever they may be.

Title V incorporates the PRECAUTION Act, which Senators FEINGOLD and SPECTER asked to have included. This provision authorizes grants to develop prevention and intervention programs for our schools.

Finally, title VI incorporates the Terrorist Hoax Improvements Act of 2007, at the request of Senator KENNEDY.

Let us go forward and act now on this important bill. The Virginia Tech Review Panel—a body commissioned by Governor Tim Kaine to study the Virginia Tech tragedy—recently issued its findings based on a 4-month long investigation of the incident and its aftermath. This bill would adopt a number of recommendations from the Review Panel aimed at improving school safety planning and reporting information to NICS.

We must not miss this opportunity to implement these initiatives nationwide, and to take concrete steps to ensure the safety of our kids.

I recognize that there is no panacea to end the sad phenomenon of school violence. The recent tragedies should prompt us to respond in realistic and meaningful ways when we are presented with such challenges. I hope the Senate can promptly move this bill forward to invest in the safety of our students and better support law enforcement officers across the country.

Mr. President, I apologize to my colleagues for my voice. We seem to have enough matter in the air to affect it. I look forward to the fact that in a couple of days I will be in Vermont where the air is much nicer, although I do love this area. I once had a longtime resident of Washington, DC, sitting on the front lawn of my farm in Middlesex, VT, looking out over miles of valleys surrounded by mountains. You don't see another person, just this magnificent view. It was a clear day.

I said to him: There, what do you think of that view?

He said: I don't like it.

I said: What do you mean? You came here from Washington, and you are seeing one of the most beautiful views anywhere in the State of Vermont, and you don't like it? What don't you like about it?

He said: I don't trust air that I cannot see.

Well, we cannot see the air there, but, boy, we can breathe it. I enjoy that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I yield 5 minutes to the Senator from Mississippi and then 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LEAHY. Mr. President, I will yield 15 minutes to the Senator from Maryland following that.

NOMINATION OF JUDGE SHARION AYCOCK

Mr. COCHRAN. Mr. President, I am pleased to support the nomination of Judge Sharion Aycock and recommend her confirmation as U.S. district court judge for the Northern District of Mississippi.

Judge Aycock is exceptionally well qualified by reason of her education,

her experience, and her temperament to serve as a U.S. district court judge. As a lawyer, she was highly respected, and as a judge on our State court that has general, civil, and criminal jurisdiction, she has served with competence and distinction and with a keen sense of fairness. She will reflect great credit on the Federal judiciary, in my opinion. Judge Aycock has earned the respect and admiration of her fellow lawyers, as well as the judges who have worked with her. She has been selected to serve in many professional and community positions of trust and responsibility.

The American Bar Association's Standing Committee on the Federal Judiciary unanimously concluded that she is "well qualified" to serve as a Federal district court judge. This is the highest rating a judicial nominee can receive from the American Bar Association.

She was born and raised in the northeast Mississippi town of Tremont in Itawamba County, where she graduated from high school with honors and was elected President of the student body.

She also graduated with honors from Mississippi State University in 1977, studying economics and political science. While a student there, she was selected for membership in Phi Kappa Phi, the Nation's oldest and largest honor society. She was inducted into the Mississippi State University Hall of Fame, the university's highest undergraduate honor. She also served as President of her social sorority.

She received her law degree from the Mississippi College School of Law, where she served as co-editor in chief of the Law Review and as treasurer of the Student Body Association. She graduated second out of a class of 146 and was admitted to practice law by the Mississippi State Bar.

After graduating from law school, Ms. Aycock returned to Itawamba County and started her own practice in 1984. During her 12 years of law practice, she represented the Itawamba County Board of Supervisors and the Board of Education, the town of Tremont, the city of Fulton, and the Northeast Mississippi Natural Gas District. She served as the Itawamba County prosecuting attorney from 1984 to 1992 and was honored as the State's most distinguished juvenile justice professional.

Judge Aycock was elected circuit court judge for the First Circuit Court District of Mississippi in November 2002. She was unopposed when she sought reelection 4 years later, in November 2006.

Except for statewide elected officials, trial judges have the largest geographic areas of responsibility in our State under their jurisdiction. The fact that she was unopposed when she was reelected in 2006 means that many people respected and appreciated the tremendous job she had done as a trial judge. Her court's docket is one of the busiest in the State of Mississippi, and

it is also one of the largest districts, encompassing seven counties.

During her tenure on the circuit court, Judge Aycock has had the opportunity to hear numerous criminal and civil cases, covering a broad range of subjects. She has expedited the work of the court, both on the civil and criminal dockets. She led the court in disposing of civil cases and the collection of fines and criminal cases.

She has contributed substantially to the improvement of the administration of justice in our State and in the betterment of her community.

She has been an active member of local and State bar associations. She served as First Judicial District secretary and president and was the first woman to serve as president of the Mississippi Bar Foundation, an organization dedicated to the improvement of the administration of justice in our State. She is also a fellow of the Mississippi Bar Foundation.

She served as president of the Itawamba County Development Council, as a member of the Itawamba County Hospital Foundation, and as cochair of the Itawamba County March of Dimes.

Senator LOTT and I recommended the nomination of Judge Aycock in December of 2006. I am pleased that the President nominated Judge Aycock and that the Senate Judiciary Committee has recommended the approval of her nomination.

I urge Senators to vote to confirm this well-deserved nomination.

Mr. LOTT. Mr. President, it is my pleasure to have this opportunity to speak on behalf of Judge Sharon Aycock in advance of her confirmation vote. Judge Aycock is the first female jurist from Mississippi to be nominated to a position on the Federal bench, and I am delighted that the President has chosen her to serve on the United States District Court for North Mississippi.

Judge Aycock was born and raised in Tremont, MS. After graduating with honors from Tremont High School, she went on to attend Mississippi State University where she graduated with a degree in political science. Judge Aycock then earned her law degree from the Mississippi College School of Law, where she served as Co-Editor-in-Chief of the Mississippi College Law Review and finished 2nd in her class.

Following law school, Judge Aycock was employed by the A.T. Cleveland Law Office in Fulton, MS, and later opened her own practice. While in private practice, she represented the Itawamba County Board of Supervisors, Itawamba County Board of Education, Town of Tremont, City of Fulton, and the Northeast Mississippi Natural Gas District. She also served as the Itawamba County Prosecuting Attorney from 1984 to 1992.

Judge Aycock has been extremely active in her local community serving as Past President of the Itawamba County Development Council, a Member of the

Itawamba County Hospital Foundation, a Member of the Three Rivers Area Health Services, Inc., Co-Chairman of the Itawamba County March of Dimes, and Chairman of the Prairie Girl Scouts Capital Fund Drive for Itawamba County. She was chosen as the "Itawamba County Good Citizen of 2000" and selected as one of the Mississippi Business Journal's "Top 40 Under 40."

In addition to being heavily involved in her local community, Judge Aycock has been an active member in the Mississippi Bar Association. She served as First Judicial District President and Secretary, and was honored as a Fellow of the Mississippi Bar Foundation.

During her professional career, she has also received several gubernatorial appointments, including appointments to the Board of the Mississippi Home Corporation; Board Member and Past Chairman of the Mississippi State Personnel Board; and a Member of the Governor's Commission on Youth and Children.

Judge Aycock is currently Circuit Court Judge of the First Circuit Court District of Mississippi, a position she was elected to in November of 2002. During her tenure, Judge Aycock has had the opportunity to hear numerous criminal and civil cases covering a broad range of subject matter and complexity. She has presided over countless criminal cases, including capital murder, murder, manslaughter, and numerous drug offenses. Civil cases have included medical malpractice, contracts, fraud and misrepresentation, personal injury, and other suits for monetary damages.

I believe that Judge Aycock will serve as a credit to both the Federal bench and to the State of Mississippi. I look forward to her confirmation.

The PRESIDING OFFICER. The Senator from Texas is recognized.

NOMINATION OF JUDGE JENNIFER WALKER  
ELROD

Mr. CORNYN. Mr. President, I am reminded of a quote from Daniel Webster when he said that "justice is the greatest aspiration of man on earth." I think the reason we take these judicial nominations so seriously is because the judiciary—the people who wear the black robe—is the personification of that aspiration for justice.

Today, it gives me great pleasure to speak in support of the nomination of Judge Jennifer Elrod of Houston to the U.S. Court of Appeals for the Fifth Circuit. In a few moments, the Senate will vote on her nomination.

As Judge Elrod's career makes clear, she is well qualified for a seat on the Federal appellate bench. She has demonstrated the legal acumen, the judicial temperament, and dedication to public service which the Senate wisely requires of all judicial nominees.

Since 2002, Judge Elrod has been a State district court judge, serving on the 190th District Court in Harris County, TX. As a trial judge, she has presided over more than 200 jury and

nonjury trials. Before that, Judge Elrod practiced law in Houston, TX, in the trial department of Baker Botts, a top national law firm.

Judge Elrod is known for her outstanding intellect, her strong work ethic, her integrity, and her courteous demeanor. She has an outstanding record as a practicing attorney and as an active State court judge. She has demonstrated an impressive commitment to public service and pro bono work throughout her career.

Both while in private practice and while serving the people of Texas as a trial judge, Judge Elrod has dedicated much of her free time to improving the lives of those less fortunate in the community.

Even with the demands of a career in the law, she also found time to serve as a board member and chairwoman of the Gulf Coast Legal Foundation, now called Lone Star Legal Aid. This organization serves more than 1 million low-income Texans, making it the fourth largest legal aid program in the Nation. She also served as general counsel to Communities in Schools in Houston and as the cochair of the Houston Volunteer Association's Legal Hotline.

As a judge, she assisted the Houston Bar Association with numerous fundraising activities aimed at providing scholarships for diversity and equal access to justice. Judge Elrod dedicated her time to hosting and mentoring legal interns from less-privileged backgrounds, opening her courtroom to them and teaching these young men and women valuable oral advocacy skills. She has been an active participant in the Texas Access to Justice Commission, helping young lawyers to provide legal services to indigent clients.

Mr. President, I know of few lawyers, much less judicial nominees, with such an outstanding record of consistent commitment to pro bono services and public service.

While my colleagues undoubtedly will acknowledge the importance of Judge Elrod's career achievements and dedication to her community, we also recognize that the most important attributes of a judicial nominee are their temperament and commitment to the rule of law. Above all else, a judge must faithfully interpret and apply the law as written and not as they wish we in Congress should have written it. I am confident Judge Elrod has demonstrated her ability to fairly and impartially resolve cases before her.

Her demonstrated fairness and respect for all is a key reason why her nomination is supported across the Houston legal community. She has the personal endorsement of the past and current presidents of the Houston Bar Association, the Hispanic Bar Association of Houston, and the Mexican American Bar Association of Houston, which are just a sampling of the broad base of her support. By all accounts, Judge Elrod has exercised her judicial

duties with nothing but neutrality and a commitment to fundamental fairness for every litigant before her.

In sum, Judge Elrod is an accomplished lawyer and judge of high character and uncommon integrity. I am honored to enthusiastically recommend to the Senate that it vote to confirm her to the U.S. Court of Appeals for the Fifth Circuit. I am confident she will serve this Nation with honor and distinction.

Let me say in closing how much I appreciate the chairman of the Judiciary Committee, Senator LEAHY, for giving Judge Elrod a timely hearing and for putting it on the markup on the Judiciary Committee schedule. I appreciate the majority leader, Senator REID, for allowing this nomination to come forward to the floor so we can give this good judge a vote very soon, I hope.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I serve on the Judiciary Committee, and Chairman LEAHY asked that I chair the nomination hearings, the confirmation hearings on the three judges whom we are considering today.

I agree completely with our colleagues from the State of Washington and the State of Mississippi. I think Richard Jones is well qualified and should be confirmed for the U.S. District Court in the Western District of Washington.

I think Sharon Aycock is well qualified, and I strongly support her confirmation to the District Court in Mississippi.

In regard to Jennifer Walker Elrod, for the U.S. Circuit Court for the Fifth Circuit, I opposed her nomination in the Judiciary Committee, and I take this time to explain to my colleagues why I believe she should not be confirmed.

Let me begin by saying that I agree with my friend from Texas about Judge Elrod's commitment to pro bono legal services. She served as chair of the board of the Gulf Coast Legal Foundation, now known as Loan Star Legal Aid, the largest provider of pro bono services in southeast Texas. That is important to me because I think all lawyers have a responsibility to help out to make sure our system is available to all.

After serving 8 years in private practice as an associate of Baker Botts in Houston, TX, she was appointed to the bench by the Governor in 2002 as a judge, the 190th District Court in Houston, TX. She was reelected to the bench in 2006.

However, no one is entitled to a circuit court judgeship. In the vast majority of cases, these courts are the final law of the land for the States in their circuit when it comes to interpreting complex Federal statutes and our Constitution. These judges have lifetime appointments and are second only to the Supreme Court Justices in terms of their power and authority.

I think we need to exercise a higher standard when we look at the confirmation of our appellate court judges. In many cases, they will be the final arbitrators of disputes among the people of our States.

In meeting with Judge Elrod, chairing her nomination hearings, and reviewing her written responses to additional questions I posed to her, I am not convinced Judge Elrod has the experience for this position.

I start with the undisputed fact about Judge Elrod's record. By her own admission, Judge Elrod has never written a single judicial opinion. In response to the Judiciary Committee's questionnaire asking for her opinions as a judge, she stated: "I do not write opinions, I sign orders." She provided over 6,000 orders to the committee, but most are one-page documents that do not contain any discussion of substantive law. Indeed, Judge Elrod said that most questions in our committee questionnaire about her judicial opinions were not applicable to her because certiorari was not granted in any of her cases; appellate opinions or orders rarely reviewed her orders and decisions; she had no list of unpublished opinions; and she never sat on a judicial panel with other colleagues deciding cases. In short, we have no record of her ability to write opinions or the rationale for her decisions.

A nominee for circuit court judge should have experience in writing substantive judicial opinions. Judge Elrod does not have this requisite experience.

Judge Elrod, by her own admission, has very little experience in criminal cases. When she litigated at Baker Botts for 5 years, she responded that her practice involved "100 percent civil proceedings" and "0 percent criminal proceedings." Her current job as a judge on the 190th District Court of Houston, TX, involves almost exclusively civil cases.

A nominee for circuit court judge should have broad experience in both criminal and civil cases. Her work in a handful of pro bono cases does not give me confidence that she has sufficient understanding of the criminal justice system and the rights of defendants. In fact, her major initiative in criminal issues involved the amicus brief in the case of *Texas v. Cobb* before the Supreme Court, in which she argued that the sixth amendment only applies to "charged offenses" and therefore a police interrogation without counsel about a subsequent offense was admissible. She did not further explain her views about this case in her written responses to our committee.

Judge Elrod, by her own admission, has very little experience in Federal court. In response to the committee questionnaire, she stated that her private practice involved "80 percent state court" cases and "20 percent federal" cases. Her current job as a State district court judge involves almost exclusively State issues.

A nominee for circuit court judge should have broad experience on Fed-

eral court issues and in the complex questions, often of first impression, of Federal law, statutory law, and constitutional interpretation that are routinely raised.

Judge Elrod, by her own admission, has very little experience in appellate litigation, with exception of the Cobb case noted above. Her current job as a State district court judge involves exclusively trial level proceedings.

A nominee for the circuit court—this is our appellate court, our second highest court—who handles these types of cases should have significant experience in appellate work.

Judge Elrod, by her own admission, does not "write opinions." She "signs orders." Given that circuit court judges are often the final say on law of the land in a given circuit—due to the low rate of granting certiorari by the Supreme Court—a circuit court judge has an unusual amount of authority and decisionmaking power.

We do not have any track record by which to weigh Judge Elrod's views on substantive legal issues, such as civil rights, civil liberties, workers' rights, reproductive freedom, environmental protection, consumers' rights, or employees' rights.

The speeches Judge Elrod provided for the record did not shed any more light on her opinions on substantive legal issues. She stated she did not have notes for many of her speeches. She also has not written any substantive legal or journal articles on complex legal or policy issues. Judge Elrod does not meet my test for Federal judicial nominees since she does not have the requisite experience for an appellate judge.

I want to talk about a separate issue. I talked about experience, which I think is important for a nominee who wants to serve on our appellate courts. I also think the issue of diversity is an important issue that needs to be talked about in this Chamber.

I wish to talk about the issue of diversity in the Fifth Circuit Court of Appeals. The U.S. Court of Appeals for the Fifth Circuit, which includes Mississippi, Louisiana, and Texas, presides over the largest percentage of minority residents, 44 percent, which includes African Americans and Latino citizens, of any regional circuit courts of appeal in this country outside of Washington, DC.

Mississippi has the highest African-American population, 36 percent, of any State in the country. Louisiana has the second largest African-American population, at 32 percent, of any State in this country. It is disappointing that none of President Bush's 10 nominations to the Federal bench in this circuit were African American. Of the 19 Federal judges who now sit on the Fifth Circuit Court of Appeals, only one is African American.

We all agree that diversity at all levels of our judicial system is important. Most recently, we have seen mass protests over double standards in our



criminal justice system used to treat African American and White youths in Jena, LA. Surely, in 2007 we can do better.

I take this time to point out that when the President submits a nominee for the appellate court, our second highest court, I expect that nominee will have the type of experience that is appropriate for a judge to be on the appellate court. I certainly am disappointed by the President's nominations on this circuit as it relates to diversity. I wanted to make sure that was included in the RECORD.

Mr. President, I reserve the remainder of my time.

Mr. SPECTER. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Texas is recognized for 5 minutes.

Mr. CORNYN. Mr. President, I thank the distinguished ranking member.

I certainly respect the right of the Senator from Maryland to express his views. I do want to put this in some context.

I don't know if it is a unique experience currently in the Senate, but perhaps it is currently that I am the only Member of the Senate who actually served for 13 years as a State judge, both on our State trial bench and the supreme court. That does not give me any particular qualifications other than to say what it means to have served in those capacities, as Judge Elrod has for 5 years. She worked also as a clerk for a U.S. district judge, Judge Sim Lake, for 2 years.

I hope we are not saying that it is a prerequisite for confirmation to the job of an appellate judge that one actually has to have served as an appellate judge. Of course, rarely do any of us have experience in the jobs to which we are assigned or to which we are elected or to which we are hired until we have actually had a chance to perform that job. What we look at is not whether they have actually done that job before, but whether they have done a good job of everything they have taken on previously.

By that standard, Judge Elrod not only has an impressive resume for a lawyer of her age, but she has demonstrated her competence, indeed, her excellence as a State district court judge.

I have some sensitivity to the suggestion that she does not have lengthy enough experience, alluding to her relative youth. I remember when I became a State district judge, I was 32 years old. But, more importantly, of the 19 judges currently serving on the Fifth Circuit Court of Appeals, 10 were in their forties or younger when appointed; three were 41—Judge Elrod's age—or younger. Judge Edith Jones, the chief judge of the Fifth Circuit, was 36 when confirmed by the Senate.

Judge Higginbotham, to whose vacancy Judge Elrod is nominated, was 44, and Judge Sim Lake, with whom Judge Elrod clerked, was 44 when he was appointed.

I also think of the members of the Judiciary Committee in the Senate who have been elected to important positions of responsibility. My recollection is—and I have to rely on the distinguished Senator from Maryland to remind me—but I think he was one of the youngest, if I am not mistaken, speakers of the Maryland House ever elected. He was elected at a young age, and that is to his great credit.

The fact is, age alone should not determine competence for these jobs. I think the demonstrated public service and record of excellence is sufficient.

I appreciate the Senator from Maryland acknowledging her tremendous record of pro bono service. That is a record of service above and beyond the call of duty which I think demonstrates Judge Elrod's commitment.

Finally, on the issue of diversity, I note that Judge Higginbotham, who currently occupies the seat to which Judge Elrod has been nominated and will serve, is somebody who looks like me. He is a White male. I think we ought to celebrate the fact that a woman of Judge Elrod's capability and experience has been deemed qualified by the President of the United States and by the Senate Judiciary Committee to serve in this important position. I think that counts for some diversity.

I do share the concerns of the Senator from Maryland that too few African Americans are attending law school. It reduces the pool of potential applicants for people to serve in positions on the judiciary, and we need to do more to try to encourage and facilitate that situation. But I certainly would not hold it against Judge Elrod that she is not an African American. I think she is qualified on the merits.

I appreciate the Senator from Pennsylvania, the distinguished ranking member, giving me a few minutes to explain, perhaps, another side of the story.

Mr. WHITEHOUSE. Mr. President, will the Senator yield for a question?

Mr. CORNYN. I will.

Mr. WHITEHOUSE. Mr. President, I know the distinguished Senator from Texas was also an attorney general of his State. I wonder if in that capacity the staff who served the appellate function in the attorney general's office, a solicitor general, are separate and he recognizes appellate practice, in many ways, is a specialized skill in that context, and I wonder what appellate argument experience the candidate for the Fifth Circuit Court of Appeals has?

Mr. CORNYN. Mr. President, the distinguished questioner, the Senator from Rhode Island, is himself a distinguished lawyer and a former attorney general with whom I served as a State attorney general. He knows as well as I do that a trial judge and a trial lawyer have to craft written and legal arguments the same way as an appellate lawyer does. Those are the same basic skills that Judge Elrod brings to her job.

It is true, when I became attorney general of my State, I created an Office of Solicitor General, recognizing the increasingly specialized nature of appellate practice.

Again, I believe Judge Elrod, by virtue of her extensive trial experience, the fact she graduated at the top of her class from law school and undergraduate school, served with one of the premier law firms in the Nation and with distinction as a trial judge, more than adequately qualifies her for this new responsibility.

Mrs. HUTCHISON. Mr. President, I rise today in strong support of the nomination of Judge Jennifer Elrod to serve on the Fifth Circuit Court of Appeals.

Back in July, I was proud to introduce Judge Elrod, a fellow Texan, at her Senate Judiciary Committee hearing.

Judge Elrod is a highly accomplished judicial nominee, with a distinguished record as a state court judge and as a practicing attorney. I am confident she will capably serve as a federal appellate judge for the Fifth Circuit.

Judge Elrod has shown her judicial capability in the 190th District Court in Houston, TX, where she currently presides. At present, she manages a docket of over 1,000 cases, and leads all Harris County civil district judges in the number of jury cases tried to verdict since 2005.

Prior to serving on the bench, Judge Elrod practiced at Baker Botts LLP, a top national firm, where she worked for 8 years on litigation matters including antitrust, employment law, commercial litigation, toxic tort, general civil litigation, and personal injury defense. She also served as a law clerk to the Honorable Sim Lake in the Southern District of Texas.

Judge Elrod's outstanding intellect is evidenced by her exceptional academic credentials, graduating cum laude from Harvard Law School, and magna cum laude with distinction from Baylor University in Texas.

Judge Elrod has long been dedicated to pro bono service and charitable causes, and she is the former chair of the Gulf Coast Legal Foundation, the largest provider of pro bono legal assistance to indigent people in the Texas gulf coast region. She was recently commended by the Texas Access to Justice Commission for her service in facilitating the advocacy skills of lawyers who represent poor and low income Texans.

Judge Elrod has also been an active member in both the Texas State Bar and the Houston Bar Association, with particular service in the areas of Continuing Legal Education and the Administration of Justice.

She is two-time recipient of the President's Award for Outstanding Service to the Houston Bar Association, and she was awarded the outstanding Young Lawyer of Houston in 2004 by the Houston Young Lawyers Association.

I am honored to support the confirmation of Judge Jennifer Elrod because she meets the high standards to which we hold all judicial nominees.

She has an impressive record of public service, work ethic, integrity, and she will bring great honor to the Federal bench.

I encourage my colleagues to approve her nomination.

We must also fill the other two vacancies on the Fifth Circuit.

The President has nominated two highly accomplished individuals, Catharina Haynes, and Leslie Southwick, to fill those vacancies—and they deserve a fair and speedy confirmation process.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 22 minutes 40 seconds.

Mr. SPECTER. Mr. President, I support the nomination of Jennifer Walker Elrod for the Fifth Circuit Court of Appeals. She has an excellent academic record: magna cum laude from Baylor, where she was Phi Beta Kappa and cum laude from Harvard Law School. She has served as an adjunct faculty member at the University of Houston Law Center. She has been in the practice of law for some 15 years, spending 8 years at the law firm Baker Botts. She has done extensive pro bono work including as general counsel for the Communities in Schools in Houston. She has extensive participation in the bar association. She's a member of the Mexican-American Bar Association of Houston and the Houston Bar Association. I believe her record qualifies her for the circuit court, notwithstanding the considerations of age and experience.

Mr. CARDIN. Mr. President, will my colleague yield for one clarification on that point?

Mr. SPECTER. I do.

Mr. CARDIN. I want to make it clear for the record that I have never at all challenged this nominee for the appellate court on age. I have never raised the issue of age, and I would never raise the issue of age.

Mr. SPECTER. I thank the Senator from Maryland for that statement.

Judge Jennifer Walker Elrod was nominated to a seat on the Fifth Circuit Court of Appeals on March 29, 2007, and a hearing was held on her nomination on July 19, 2007. Her nomination was reported favorably to the full Senate on September 20, 2007.

Judge Elrod received her B.A., magna cum laude, in economics from Baylor University in 1988, where she was Phi Beta Kappa and was named the "Outstanding Graduating Senior in the Honors Program."

In 1992, she received her J.D., cum laude, from Harvard Law School. At Harvard, she was a senior editor and the assistant business manager for the Harvard Journal of Law and Public Policy, and she was a finalist in the James Barr Ames Moot Court Competition.

After law school, Judge Elrod served as a law clerk to Judge Sim Lake of the United States District Court for the Southern District of Texas.

Following her clerkship, Judge Elrod practiced law in the litigation department of Baker Botts in Houston, TX.

In 2002, Governor Rick Perry appointed Judge Elrod to the 190th District Court in Harris County, TX, a State trial court. She was subsequently elected to the position in the 2002 general election and was reelected unopposed in 2006.

During her time on the bench, Judge Elrod presided over more than 200 jury and nonjury trials.

Judge Elrod has been dedicated to pro bono service and charitable causes her entire career. While working at Baker Botts, the firm gave her the Thomas Gibbs Gee Award for outstanding pro bono work. She also received the President's Award from the Houston Bar Association for Outstanding Service to the Bar.

While in private practice, Judge Elrod served as a board member and the chair of the board of the Gulf Coast Legal Foundation, now Lone Star Legal Aid, which is one of the largest providers of legal aid services to the poor in Texas.

The vacancy to which she is nominated is considered a "judicial emergency" by the nonpartisan Administrative Office of the Courts.

The American Bar Association unanimously rated Judge Elrod "qualified."

#### NOMINATION OF RICHARD A. JONES

Richard Jones comes to the Senate with an extraordinary record. He has been in the active practice of law since graduating from the University of Washington Law School in 1975; has been a prosecuting attorney for King County, WA; staff attorney for the Port of Seattle legal department. He has extensive community service activities with the board of directors of the YMCA in greater Seattle, and was president of that organization; and has been recommended by the American Bar Association as unanimously "well qualified."

President Bush nominated Judge Richard A. Jones to be a U.S. District Court Judge for the Western District of Washington on March 19, 2007. A hearing was held on his nomination on July 19, and the Judiciary Committee reported his nomination favorably on September 6.

He is an experienced litigator and jurist with an extensive record of public service.

Judge Jones graduated from Seattle University in 1972. He graduated from the University of Washington School of Law in 1975.

After law school, he worked as a deputy prosecuting attorney for the King County Prosecuting Attorney's office. There he prosecuted a wide variety of cases in matters ranging from DWI to murder prosecutions.

In 1978, he became a staff attorney with the Port of Seattle Legal Depart-

ment. There he served as one of two in-house counsel providing legal advice and management services to all legal departments, with primary responsibility for the human resources, police, and fire departments.

In 1983, Judge Jones joined Bogle and Gates, one of the oldest and largest firms in Seattle, as an associate. There he managed cases in the firm's litigation and labor departments, primarily in the area of corporate commercial litigation.

From 1988 to 1994, Judge Jones served as an assistant U.S. attorney for the Western District of Washington. His work there entailed investigating and prosecuting major crimes such as bank robberies and fraud, as well as several years of work with the Drug Prosecution Division of the U.S. attorney's office.

In 1994, he was appointed King County Superior Court Judge to fill the term of a deceased judge. He was elected to that position in 1996 and re-elected in 2000 and 2004. His caseload has involved an extensive variety of civil, criminal, and juvenile matters. He also briefly served as Acting U.S. Magistrate for the court to which he is nominated in 1995 and 1997.

In 2004, Judge Jones was the recipient of both the King County Bar Association's Judge of the Year Award and the Washington State Bar Association's Outstanding Judge of the Year Award.

Throughout his legal career, Judge Jones has shown a strong commitment to the community. He served not only as president of the Loren Miller Bar Association, but also as president of the YMCA of Greater Seattle.

The American Bar Association has unanimously rated Judge Jones "Well Qualified."

#### NOMINATION OF SHARION AYCOCK

I further recommend Sharion Aycock for the United States District Court for the Northern District of Mississippi. Again, a fine academic record, with 27 years of law practice, with her bachelor's degree from Mississippi State University and a member of two honor societies, and Co-Editor in Chief of the Mississippi College Law Review. She has been a judge on the First Circuit Court for the District of Mississippi for the last 4 years, was the board attorney for the town of Tremont, and prosecuting attorney for Itawamba County. Judge Aycock brings substantial qualifications and the American Bar Association rated her unanimously "well qualified."

Judge Sharion Aycock was nominated to be a U.S. District Court Judge for the Northern District of Mississippi on March 19, 2007. A hearing was held on her nomination on July 19, 2007. Her nomination was reported favorably by the Judiciary Committee on September 6, 2007. If confirmed, she will be the first woman to be appointed to the Federal district court in Mississippi.

Judge Aycock received her B.A. from Mississippi State University in 1977



where she was a member of the Omicron Delta Kappa and Phi Kappa Phi Honor Societies. She received her J.D. from Mississippi College School of Law in 1980 and served as Co-Editor in Chief of the Mississippi College Law Review.

Upon graduation from law school, Judge Aycock joined the A.T. Cleveland Law Office as an associate, where she worked from 1980 until 1983.

In 1984, Judge Aycock opened her own practice in Fulton County and represented a wide range of clients, including some of the largest and most successful businesses in the county.

Between 1987 and 1989, she formed a small partnership with three other attorneys and practiced under the firm name of Soper, Russell, Richardson and Dent, P.A.; however, they did not share office space, and she remained in her original office. In 1990, they dissolved the partnership, and Judge Aycock resumed her former sole practice.

While working as a sole practitioner, Judge Aycock represented a variety of government entities on a part-time basis.

She served as the board attorney for her hometown, Tremont, MS, from 1980 until 2002 and for the city of Fulton from 1998 to 2002. She was elected to serve as the prosecuting attorney for Itawamba County in 1984 and served until 1992.

Judge Aycock also served as the attorney for the Board of Supervisors for Itawamba County from 1993 to 2002, the board attorney for the Itawamba County School District from 1984 to 1999, and the attorney for the Board of Commissioners for the Mantachie Natural Gas District from 1986 to 2002.

In 2002, Judge Aycock was elected as Circuit Court Judge for the First Circuit Court District of Mississippi. She ran unopposed and was reelected in 2006. Her term is set to expire in 2010.

The American Bar Association Standing Committee has rated Judge Aycock unanimously "well qualified."

#### NOMINATION OF ROSLYNN RENEE MAUSKOPF

The fourth judge up for consideration also brings excellent credentials, Roslynn Renee Mauskopf: Magna cum laude from Brandeis in 1979, and cum laude from the Georgetown University Law Center. She has experience as an assistant district attorney in New York County. She was New York State Inspector General for 7 years and chair of the Governor's Moreland Act Commission on the New York City schools for 3 years.

Roslynn R. Mauskopf was nominated in the last Congress, but her nomination was not acted upon prior to its adjournment. She was renominated on January 9, 2007. A hearing was held on her nomination on April 11, 2007, and the Judiciary Committee reported her nomination favorably on July 19.

Ms. Mauskopf is a highly qualified nominee with excellent credentials and a distinguished record of public service.

In 1979, she received her B.A. degree from Brandeis University, graduating magna cum laude. In 1982, she graduated cum laude from Georgetown University Law Center.

After law school, Ms. Mauskopf served as an Assistant District Attorney for New York County until 1995.

Between 1995 and 2002, she served as New York State's Inspector General, leading the State office responsible for investigating corruption, fraud, criminal activity, conflicts of interest, and other misconduct in State executive branch agencies.

Between 1999 and 2002, she also chaired the Governor's Moreland Act Commission on New York City Schools, which examined the operations and fiscal affairs of the New York City Board of Education and the New York City School Construction Authority.

Since 2002, Ms. Mauskopf has served as United States Attorney for the Eastern District of New York.

The daughter of Holocaust survivors, she has dedicated herself to promoting Holocaust remembrance. Her mother, at age 90, attended her daughter's nomination hearing before the Judiciary Committee.

The American Bar Association has unanimously rated Ms. Mauskopf "Qualified."

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 11 minutes 10 seconds.

Mr. SPECTER. I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I wanted to come back to Judge Elrod and comment on some of the points Senator CORNYN raised in his statements on the floor.

As I explained to Senator SPECTER, at no time do I raise at all the issue of age. I don't even know Judge Elrod's age, nor should that ever be a factor in our consideration on a confirmation, and it was not in my judgment; nor do I think there is a mathematical formula as to what is an appropriate amount of experience to be qualified to be an appellate court judge; nor do I think there is a specific path that one must follow in order to become an appellate court judge.

But with Judge Elrod, just look at her background and record. You would think, for an appellate court judge, you would want a nominee to have appellate court experience. She does not have it. You would think, for a Federal appellate court judge, you would want someone who has experience in our Federal courts. She doesn't have that. You would think, for a Federal appellate court judge, you would want someone who has experience in criminal law. She doesn't have that. You would expect, for someone who is going to be a nominee confirmed for the appellate court, that we would be able to evalu-

ate her ability to express herself through opinions. We don't have that. You would expect, for an appellate court judge, we would have her speeches or articles that would explain some of her philosophy on life. We don't have that. You would expect, for an appellate court judge, you would have some other way of being able to evaluate her approach to interpreting the Constitution of the United States. She will be confirmed to sit on the court that will do more interpretation of our Constitution than any other court; that is, the appellate court because so few cases get to the Supreme Court of the United States. And she doesn't have that either.

So it was that point that I thought the Members of this body should be aware of, not that she didn't follow a particular course to become an appellate court judge or her age. It has to do with having something to evaluate for a person who is going to be on the appellate court with a lifetime position. And that is how I drew my conclusion.

I appreciate the courtesy to be able to share that with our colleagues.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I don't know that anybody else is seeking recognition. Senator LEAHY has already said he was not going to ask for the yeas and nays, and I do not intend to. Senator CARDIN says he is not going to.

So I yield back my time.

Mr. CARDIN. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Jennifer Walker Elrod, of Texas, to be United States Circuit Judge for the Western District of Washington?

The nomination was confirmed.

#### NOMINATION OF ROSLYNN RENEE MAUSKOPF TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Roslynn Renee Mauskopf, of New York, to be United States District Judge for the Eastern District of New York.

The PRESIDING OFFICER. Is there further debate on the nomination?

If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Roslynn Renee Mauskopf, of New York, to be United States District Judge for the Eastern District of New York?

The nomination was confirmed.